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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC., and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU LLC, (now known as CONNECTU INC.) CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	CASE NO. C 07-01389 RS **DECLARATION OF SCOTT R. MOSKO IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL** Date: September 26, 2007 Time: 9:30 a.m. Dept.: 4 Judge: Hon. Richard Seeborg

Dockets.Justia.com

I, Scott R. Mosko, declare as follows:

I am a partner with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel of record for Defendants ConnectU LLC, Cameron Winklevoss, Tyler Winklevoss and Divya Narendra in the above captioned matter. This declaration is based on my personal knowledge and, if called as a witness, could and would competently testify thereto.

1. The following materials designated by the Plaintiffs in their Administrative Request Pursuant to Local Civil Rule 79-5(B) & (D) to File Under Seal Exhibits J, U, BB, CC, DD and EE to the Declaration of I. Neel Chatterjee in Support of Facebook's Motion for Sanctions ("Chatterjee Declaration") for Filing Under Seal are highly confidential and sealable in their entirety:

- Exhibit CC Exhibit CC to the Chatterjee Declaration is a copy of the Motion to Compel the deposition of ConnectU, which Facebook filed in the Superior Court in this action. This motion contains references to confidential material. It was marked Confidential by Facebook pursuant to the Protective Order entered in this matter, and was filed under seal in the Superior Court. This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).
- Exhibit DD to the Chatterjee Declaration is a copy of the Motion to Compel responses by ConnectU to written discovery, which Facebook filed in the Superior Court in this action. This motion contains references to confidential material. It was marked Confidential by Facebook pursuant to the Protective Order entered in this matter, and was filed under seal in the Superior Court. This exhibit should continue to be sealed from public viewing pursuant to Civil Local Rule 79-5(b)
- Exhibit EE to the Chatterjee Declaration is a copy of the Motion to Compel responses by ConnectU to written discovery, which Facebook filed in the Superior Court in this action. This motion contains references to confidential material. It was marked Confidential by Facebook pursuant to the Protective Order entered in this matter, and was filed under seal in the Superior Court. This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).

2. The following materials in Plaintiffs Administrative Request Pursuant to Local Civil Rule 79-5(B) & (D) to File Under Seal Exhibits J, U, BB, CC, DD and EE to the Declaration of I. Neel Chatterjee in Support of Facebook's Motion for Sanctions were designated by the Defendants as confidential or highly confidential and sealable in their entirety:

- Exhibit J to the Chatterjee Declaration is a copy of ConnectU, LLC's Operating Agreement and has been marked Confidential by ConnectU pursuant to the Protective Order entered in this matter, and hence is subject to Civil Local Rule 79-5(d). This exhibit should reman sealed from public viewing pursuant to Local Civil Rule 79-5(b).
- Exhibit U to the Chatterjee Declaration is a copy of supplemental briefing submitted by ConnectU in the Massachusetts litigation. It has been marked Confidential by ConnectU pursuant to the Protective Order entered in that matter as a result of citation to deposition testimony and other documentation produced by Facebook and Mark Zuckerberg which is subject to that Protective Order. This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).
- Exhibit BB to the Chatterjee Declaration is a copy of ConnectU's responses to Facebook's First Set of Interrogatories, which it served in the Massachusetts action. It has been marked Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on September 14, 2007, at Palo Alto, California

/s/ *Scott R. Mosko*
Scott R. Mosko